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FAX

Date October 19, 2005

To Examiner Roy King

Of PTO Group Art Unit 1742

Fax 571-273-1244

From Keiko K. Takagi, Esq.

Subject Terminal Disclaimer

Our Ref Q78484 Appln No 10/729,914

Conf No 3295 Inventors Kazumi NAITO, et al.

Pages 3 (including cover sheet)

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This fax filing includes:

1. This cover sheet
2. Terminal Disclaimer
3. Statement of Substance of Interview (2 pages)

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Roy King at the Patent and Trademark Office on October 19, 2005 at 571-273-1244.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Keiko K. Takagi'.

Keiko K. Takagi

MODIFIED PTO/SB-26 (09-01)

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket
Number

Q78481

In re Application

of: Kazumi NATTO, et al.

Application No.: 10/729,914

Filed: December 9, 2003

NIOBIUM POWDER FOR CAPACITOR, SINTERED BODY USING THE POWER AND CAPACITOR

For: USING THE SAME

The owner*, SHOWA DENKO K.K., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,540,810 as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

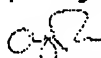
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is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature

October 19, 2005

Date

Abraham J. Rosner

Typed or printed name

33,276

Reg No.

202-293-7060

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☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q78484

Kazumi NAITO, et al.

Appln. No.: 10/729,914

Group Art Unit: 1742

Confirmation No.: 3295

Examiner: Ngoclan Thi MAI

Filed: December 9, 2003

For: NIOBIUM POWDER FOR CAPACITOR, SINTERED BODY USING THE POWER AND
CAPACITOR USING THE SAME

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. Please charge the amount of \$130.00 to Deposit Account No. 19-4880. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

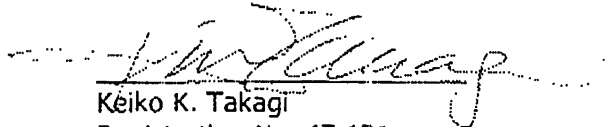
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